

### **REMARKS**

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Office Action mailed April 8, 2008, claims 1-42 have been rejected. In response, the Applicants have submitted the following remarks, and amended claims 1, 11, 25 and 40. Accordingly, claims 1-42 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

#### **Examiner Interview Summary**

On July 8, 2008, the undersigned and Examiner George Monikang held a telephone Examiner Interview. The Applicant respectfully thanks the Examiner for his kind attention during the interview. During the interview, the parties discussed the independent claim 1 in light of Albert, Albert background and Brown. While no specific agreement was reached, the above amendments have been made in response to the interview and specific suggestions made by the Examiner. Again, the Applicants respectfully thank the Examiner for his kind attention and willingness to interview this case.

#### **Rejections Under 35 U.S.C. §103**

Claims 1-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,6264,614 to Albert et al. (hereinafter Albert), in view of Albert et al.'s background information (hereinafter ABI), and further in view of U.S. Patent No. 5,997,476 to Brown (hereinafter Brown).

The Albert reference discloses a system for generating and transferring medical data, wherein the computer site includes a data generating source, the generating source including a device which may be manipulated by a patient to sense a biological function or condition such as a heartbeat.

Within the Office Action it is stated that the Albert reference teaches a plurality of patient monitoring devices sending an alert and wirelessly transferring a notification message to a portable electronic device. The Examiner cited Figures 7 and 3 and the Abstract and

further states that a processing circuit is configured to receive the notification messages indicating that the patient being monitored may have a condition that requires attention. As discussed in the Examiner interview, Albert, by construing Element 2 of Figure 3 as a monitoring device does not include a medical monitoring system, nor such a system sending a notification message to a portable electronic device, construed as Elements 18 and 19 by the Examiner. In fact, Albert is merely a computer 10 with a sensor 8 that the Examiner construes as a monitoring device that is linked via the internet 4 to two additional computers 18, 20, that the Examiner construes as portable electronic devices. Furthermore, the Applicant respectfully submits that the amended claims further include a clarification to the system of the present application, such that the medical monitoring system of the present application includes a notification server that converts the alert to an appropriate format and a notification transmitter that receives the alert and wirelessly transfers the notification message to a portable electronic device of a pre-selected caregiver. Albert further does not teach this structure nor functionality.

ABI teaches a system that converts an ECG signal of a patient into a frequency modulated audio signal. The audio is then inputted into a telephone system to a handheld computing device. Computing the device then utilizes a various number of functions to process the signal to for presentation and viewing, and then the signal may be utilized as the users see fit. ABI does not teach a plurality of monitoring devices sending a alert to a hospital network, and the hospital network distributing the signal to the portable device. The ABI reference again utilizes a microphone to record the signal and input it into the portable device.

The Brown reference teaches a network system for interactive communication and remote monitoring of individuals, wherein a script program is received and executed by the apparatus to communicate queries to an individual to receive responses to the queries, and to transmit the responses from the apparatus to the server. While the Brown reference does indeed teach voice data transmission, the Brown reference also does not teach the functionality of the processing circuit as described and claimed in the present invention.

As further discussed in the Examiner Interview, ABI does not actually teach the structure nor functionality that the Examiner sets out in page 3, lines 10-17, as was conceded by the Examiner in the interview. Furthermore, the Applicants respectfully submit that ABI further does not teach the notification server and notification transmitter of the medical monitoring system, nor the ability to transfer the notification message to a portable electronic device of a pre-selected caregiver.

As discussed above, in contrast to the teachings of Albert, ABI, Brown and their combination, the system and method of the present application include a medical monitoring system receiving alerts through a hospital network when any of a plurality of patients being monitored may have a condition that requires attention, wherein the medical monitoring system is configured to generate a notification message when any of the plurality of patient monitoring devices sends the alert. Specifically, none of these references teach the medical monitoring system including a notification server that converts the alert to an appropriate format and a notification transmitter that receives the alert and wirelessly transfers the notification message to a portable electronic device of a pre-selected caregiver.

The independent claim 1 is directed to a medical monitoring system of a health care facility, the system comprising a plurality of patient monitoring devices, each of the plurality of patient monitoring devices configured to send an alert to the medical monitoring system through a hospital network when any of a plurality of patients being monitored may have a condition that requires attention, the medical monitoring system configured to generate a notification message when any one of the plurality of patient monitoring devices sends the alert, the medical monitoring system includes a notification server that converts the alert to an appropriate format and a notification transmitter that receives the alert and wirelessly transfers the notification message to a portable electronic device of a pre-selected caregiver, wherein the portable electronic device includes: an audio signal input device; an audio signal output device; a wireless transceiver; and a processing circuit configured to receive the notification messages indicating that the patient being monitored may have a condition that requires attention and to facilitate transfer of voice data to the audio signal output and from the audio signal input by way of the wireless transceiver, wherein the portable electronic

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device is adapted to communicate via a plurality of wireless protocols, corresponding to the plurality of patient monitoring devices. As discussed above, neither Albert, ABI, Brown, nor their combination teach the system and method of the present application. For at least these reasons, the independent claim 1 is allowable over the teachings of Albert, ABI, Brown and their combination.

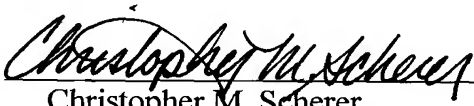
The Applicants respectfully submit that the independent claims 11, 25 and 40 are also allowable over the teachings of Albert, ABI and Brown for the same reasons as discussed above with respect to the independent claim 1.

Claims 2-10, 12-24, 26-29 and 41-42 are dependent upon the independent claims 1, 11, 25 and 40. As discussed above, the independent claims 1, 11, 25 and 40 are allowable over the teachings of Albert, ABI, Brown and their combination. Accordingly, claims 2-10, 12-24, 26-39, and 41-42 are also allowable as being dependant upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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